UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/772,203	01/29/2001	Heino Hameleers	34648-00464USPX	9668

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EXAMINER
PEREZ, ANGELICA

ART UNIT	PAPER NUMBER
2684	

DATE MAILED: 10/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/772,203	HAMELEERS ET AL.
	Examiner	**Art Unit**	
	Angelica M. Perez	2684	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☐ Responsive to communication(s) filed on <u>29 January 2001</u> .

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-16</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-16</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All b)☐ Some * c)☐ None of:

        1. ☒ Certified copies of the priority documents have been received.

        2. ☒ Certified copies of the priority documents have been received in Application No. <u>09/772,203</u> .

        3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☒ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>4</u> .

4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2.   Claims 1, 5,6,7,11, and 16 are rejected under 35 U.S.C. 102(e) as being

anticipated by Valentine (Valentine et al, US Patent No. 6504839).

Regarding claim 1, Valentine teaches of a method for data connections in a

cellular mobile communication network with at least one core network (figure 1, item

110) and at least one access network (figure 1, item 221), said method comprising the

steps of: receiving a connection request in a first control node of the core network from

a first access network (column 2, lines 13-18); transferring of a call control from the first

control node to a gateway control node interacting with a home location register that

manages subscriber data of a called party (figure 100, items 111, 110, 131 and 134);

fetching of routing information by the gateway control node from said home location

register(column 9, lines 38-43); transferring of the call control from the gateway control

node to a control node that controls the access network serving the called party (figure

2, items 211 and 232); calculating parameter values describing possible payload

connections between the core network and the access networks; comparing parameter

values describing possible payload connections between the core network and the first

access network, with parameter values of possible payload connections between the

core network and the access network serving the called party (column 4, line 62);

selecting transcoding and data rate of the payload in the respective payload

transmission resources(column 1, lines 58-62), according to the results of the

comparison; and setting up and through-connection of the selected payload

transmission resources (column 10, lines 36-55).

Regarding claim 5, Valentine teaches of a method according to claim 1, where an

internerwork function is linked in for the payload transmission (column 2, lines 8-11).

Regarding claim 6, Valentine teaches of a method according to claim 1, including

sending a calling party identification, as part of the call control handover between the

control nodes (column 2, lines 30-32).

Regarding claim 7, Valentine teaches of a method according to claim 1, including

the step of sending an identification of the first control node as part of each call control

handover between control nodes that occurs after the call control has been handed over

to the gateway control node (column 2, line 54).

Regarding claim 16, Valentine teaches of a method of operating a reliable link

protocol, comprising the step of setting, at an exchange identifier negotiation, time out

values before an exchange identifier command is sent again, on different values for call

originating user equipment and a call user equipment (column 6, lines 41-46).

Regarding claim 11, Valentine teaches of a method according to claim 1, wherein

the method is performed in a Universal Mobile Telephone System (UMTS) or a Global

System for Mobile Communication (GSM) network (column 3, lines 37-38).

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

Claims 2, 3, 4, 8, 12, 13, and 15 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Valentine (Valentine et al, US Patent No. 6504839) in view of Liu

(Liu, Patent No. 6,130879).

Regarding claim 2, Valentine teaches of a method according to claim 1.

Valentine does not teach of where the first control node seizes first payload

transmission resources, and the control node that controls the access network serving

the called party seizes second payload transmission resources before comparison of

parameter values is performed, which describes possible payload connections between

the core network and the first access network, with parameter values of possible

payload connections between the core network and the access network serving the

called party.

Liu in related art teaches of where the first control node seizes first payload

transmission resources, and the control node that controls the access network serving

the called party seizes second payload transmission resources before comparison of

parameter values is performed, which describes possible payload connections between

the core network and the first access network, with parameter values of possible

payload connections between the core network and the access network serving the

called party (column 10, lines 50-59).

It would have been obvious to the one of ordinary skilled in the art at the time the

invention was made to have included into Valentine's invention, Liu's teachings of the

first control node seizing first payload transmission resources, and the control node that

controls the access network serving the called party seizes second payload

transmission resources before comparison of parameter values is performed, which

describes possible payload connections between the core network and the first access

network, with parameter values of possible payload connections between the core

network and the access network serving the called party.

Regarding claim 3, Valentine teaches of a method according to claim 1.

Valentine does not teach changing a payload transmission and executing a

further comparison and selection.

Liu in related art teaches changing a payload transmission and executing a

further comparison and selection (column 4, lines 30-41).

It would have been obvious to the one of ordinary skilled in the art at the time the invention was made to have included into Valentine's invention, Liu's teachings of changing a payload transmission and executing a further comparison and selection.

Regarding claim 4, Valentine teaches of a method according to claim 1.

Valentine does not teach including the step where at least one transmission converter is linked in for the payload transmission.

In related art dealing with data connections, Liu teaches of at least one transmission converter linked in for the payload transmission. (column 4, lines 42-45).

It would have been obvious to the one of ordinary skilled in the art at the time the invention was made to have included into Valentine's invention, Liu's teachings of at least one transmission converter linked in for the payload transmission.

Regarding claim 8, Valentine teaches of a method according to claim 1.

Valentine does not teach the step of performing comparison and selection of transcodings and rate adaptations after the called party accepts the connection.

In related art dealing with data connections, Liu teaches the step of performing comparison and selection of transcodings and rate adaptations after the called party accepts the connection (column 9, lines 52-60).

It would have been obvious to the one of ordinary skilled in the art at the time the invention was made to have included into Valentine's invention to include Liu's step of performing comparison and selection of transcodings and rate adaptations after the called party accepts the connection.

Regarding claim 12, Valentine teaches of a network node for a cellular communication network that offers data connections, comprising a connection calculation unit for the calculation of parameter values describing possible payload connections between said network node and an access network

Valentine does not teach of a parameter comparison unit for the comparison of thed calculated parameter values with parameter values received from a further network node and a processing unit for handling input and output of parameter values, and seizure of payload transmission resources and the set up and through-connection of a payload connection.

Liu teaches of a parameter comparison unit for the comparison of the calculated parameter values with parameter values received from a further network node and a processing unit for handling input and output of parameter values, and seizure of payload transmission resources and the set up and through-connection of a payload connection (column 10, pages 51-58).

It would have been obvious to the one of ordinary skilled in the art at the time the invention was made to have included into Valentine's invention, Liu's parameter comparison unit for the comparison of said calculated parameter values with parameter values received from a further network node and a processing unit for handling input and output of parameter values, and seizure of payload transmission resources and the set up and through-connection of a payload connection.

Regarding claim 13, Valentine teaches of a network node for a cellular communication network that offers data connections comprising a connection

calculation unit for the calculation of parameter values describing possible payload

connections between said network node and an access network.

Valentine does not teach of a processing unit for handling input and output of

parameter values, and seizure of payload transmission resources and the set up and

through-connection of a payload connection.

Liu teaches a processing unit for handling input and output of parameter values,

and seizure of payload transmission resources and the set up and through-connection

of a payload connection as an inherited extension of the system.

Regarding claim 15, Valentine teaches each limitation as stated in claim 1.

Valentine does not teach of a computer program stored on computer readable

medium or in a computer memory that can execute a method according to claim 1.

Liu's art suggests, as an inherent part of the system, a computer program stored

on computer readable medium or in a computer memory that can execute a method

according to claim 1(column 10, lines 51-58).

It would have been obvious to the one of ordinary skilled in the art at the time the

invention was made to include Liu's inherent computer program stored on computer

readable medium or in a computer memory that can execute a method according to

claim 1.

4.   Claims 9, 10, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Valentine as applied to claim 1 above, and further in view of Malmlof (Malmlof, US

Patent No. 6594241 B1).

Regarding claim 10, Valentine teaches of a method according to claim 1.

Valentine does not teach of the access networks being identical.

Malmlof, in related art, teaches of the access networks being identical (figure 4, items 25).

It would have been obvious to the one of ordinary skilled in the art at the time the invention was made to include Malmlof 's identical access networks so that,

If one of the networks malfunctions, then, the other will pick up.

Regarding claim 9, Valentine teaches of a method according to claim 1.

Valentine does not teach of at least two of the control nodes being identical.

Malmlof, in related art concerning switching controls, teaches of at least two of the control nodes being identical (figure 4, items 25).

It would have been obvious to the one of ordinary skilled in the art at the time the invention was made to have included into Valentine's invention, Malmlof's idea of at least two of the control nodes being identical as an inherent characteristic of two identical access networks described in claim 10.

Regarding claim 14, Valentine teaches of a cellular communication network, comprising a first access network and a core network, performing a method for the set up of data connections according to claim 1.

Valentine does not teach of a second access network. Malmlof teaches of a second access network (figure 4, item 25).

It would have been obvious to the one of ordinary skilled in the art at the time the invention was made to include Malmlof 's second access network so that, if one of the networks malfunctions, the other will pick up.

Conclusion

5.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Angelica Perez whose telephone number is 703-305-8730. The examiner can normally be reached on 7:30 a.m. - 4:00 p.m., Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 703-308-7745. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the TC 2600's customer service number is 703-306-0377.
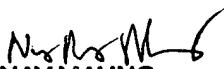
NAY MAUNG
SUPERVISORY PATENT EXAMINER

Art Unit 2684

Angelica Perez
(Examiner)

October 20, 2003